

REMARKS

This response is being filed in conjunction with a Request for Continued Examination (RCE). Claims 1, 5-10, 12, 26 and 28-34 are amended herein, claims 2-3, 11, 13-25 and 35 are canceled and claims 36-38 are added by this Amendment. As a result, claims 1, 4-10, 12, 26-34 and 36-38 remain pending in the application. Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments.

The Office Action of July 15, 2005 includes a rejection under 35 U.S.C. §112, second paragraph of claims 10, 22 and 34. The Office Action includes a rejection under 35 U.S.C. §102(e) of claims 1-8, 13-19 and 26-31 in view of U.S. Patent 6,498,955 (McCarthy). The Office Action includes a rejection under 35 U.S.C. §103(a) of claims 9, 11, 20, 24, 32-33 and 35 in view of McCarthy and further in view of U.S. Patent 6,084,516 (Yasushi). The Office Action includes a rejection under 35 U.S.C. §103(a) of claims 10, 21-23 and 34 in view of McCarthy and further in view of the paper entitled "Migratory Applications" by Krishna A. Bharat (Bharat). The Office Action includes a rejection under 35 U.S.C. §103(a) of claim 25 under §103(a) in view of McCarthy and further in view of Bharat and yet further in view of Yasushi. The Office Action includes a rejection under 35 U.S.C. §103(a) in view of McCarthy and further in view of U.S. Patent 5,854,985 (Sainton).

Rejections Under §112, Second Paragraph, §102 and §103

The §112, second paragraph rejections are obviated by the foregoing claim amendments.

Regarding the §102 and §103 rejections, it is respectfully submitted that the documents cited in the Office Action, either taken singly or as a hypothetical combination, do not disclose or suggest the features of the claims, as amended. For example, the cited documents do not disclose

or suggest "detecting movement of the first user from the first location to a second location in which said content is not being outputted [and] if a third user is present at the second location, determining an amount of time the first user remains at the second location and determining second content characteristics common to the third user and the first user if the first user remains at the second location for at least a threshold amount of time while the third user is present at the second location," as recited in claim 1. Claim 26 has been amendment to recite similar features which are not disclosed or suggested.

CONCLUSION

With the foregoing claim amendments, a diligent effort has been made to further the prosecution and put the application in condition for allowance. In the event there are any unresolved issues that could easily be resolved via telephone, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, at telephone number 1.703.739.0573.

Respectfully submitted,



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